

Notice of Allowability**Application No.**

09/881,671

Applicant(s)

CHERN, VINCENT

Examiner

LASHANYA R. NASH

Art Unit

2492

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 July 2010.
2. ☒ The allowed claim(s) is/are 1-4, 6, 8-10, 12-18 and 27-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/21/2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/LaShanya R Nash/
Examiner, Art Unit 2492

/JOSEPH THOMAS/
Supervisory Patent Examiner, Art Unit 2492

DETAILED ACTION

This notice of allowance is in response to amendment filed 23 July 2010. Claims 1-4, 6, 8-10, 12-18 and 27-35 are presented for further consideration.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Wacter (Reg. No. 63,851) on 21 October 2010.

The application has been amended as follows:

1. (Currently Amended) A method for sending an audio file to an electronic mail (email) recipient over a wireless communications network from a user of a wireless communication device, the method comprising:

communicatively connecting to a first server over the wireless communications network;

receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient;

terminating the connection with the first server and establishing an audio connection between the wireless communication device and a second server over the

wireless communications network in response to the selected option, wherein the first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device;

recording the audio file on the second server;

reconnecting, by the wireless communication device, to the first server; and

sending the recorded audio file to the email recipient as part of an email message;

wherein the wireless communication device stores a set of state information, the state information comprising a status of an interaction between the wireless communication device and the first server for allowing the wireless communication device to return to a same state in the first server that existed prior to terminating the connection, ~~and the wireless communication device reconnects to the first server before the recorded audio file is sent to the email recipient.~~

18. (Currently Amended) A method for sending a message to an electronic mail (email) recipient over a wireless communications network from a wireless communication device, comprising:

connecting the wireless communication device to an email server by a data packet connection over the wireless communication network;

receiving input selecting an option presented by the email server to send a voice message to the email recipient;

terminating the connection between the wireless communication device and the email server, and establishing an audio connection between the wireless communication device and an interactive voice response server over the wireless communication network in response to the selected option, wherein the email server transmits a signal to the interactive voice response server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device;

recording the voice message on the interactive voice response server;

reconnecting, by the wireless communication device, to the email server; and

sending the recorded voice message in an attachment to an email to the email recipient;

wherein the wireless communication device stores a set of state information, the state information comprising a status of an interaction between the wireless communication device and the email server for allowing the wireless communication device to return to a same state in the email server that existed prior to terminating the connection, ~~and the wireless communication device reconnects to the email server before the email is sent to the email recipient.~~

27. (Currently Amended) A method of sending an audio message in association with an electronic mail (email) message, the method comprising:

providing a wireless communication device with access to an email message over a data connection between the wireless communication device and an email server;

receiving input from the wireless communication device selecting an option to associate an audio file with the email message;

terminating the data connection between the wireless communication device and the email server, and instructing the wireless communication device to connect to a voice server over an audio connection;

transmitting a signal to the voice server indicating a pending connection with the wireless communication device, wherein the signal includes information uniquely identifying the wireless communication device;

receiving input from the voice server indicating that the audio file is available;

reconnecting, by the wireless communication device, to the email server; and

transmitting a representation of the audio file ~~in association with~~ as part of the email message;

wherein the wireless communication device stores state information comprising a status of an interaction between the wireless communication device and the email server for allowing the wireless communication device to return to a same state in the email server that existed prior to terminating the data connection, ~~and the wireless communication device reconnects to the email server before the email message is transmitted.~~

Reasons for Allowance

Claims 1-4, 6, 8-10, 12-18 and 27-35 are allowed. The following is an examiner's statement of reasons for allowance. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 1 is directed to a method for sending an audio file to an email recipient. Applicable prior art or record discloses a user device establishing concurrent voice channel and wireless data channels to a respective data server and voice server (i.e. IVR server), (i.e. Jiang). However, the prior art of record fails to disclose a method for sending an audio file to an email recipient, wherein a termination of a connection between a first server and a wireless communication device, in the form of a disconnection and reconnection to the aforementioned first server, is performed in order to record the audio file on a second server and subsequently sending the audio file to the email recipient. The aforementioned features in the particular manner and combination recited in the claims are considered patentably distinct over the cited prior art. Therefore, the claim is allowed.

Claim 18 is directed to a method for sending an audio file to an email recipient. Applicable prior art or record discloses a user device establishing concurrent voice channel and wireless data channels to a respective data server and voice server (i.e.

IVR server), (i.e. Jiang). However, the prior art of record fails to disclose a method for sending an audio file to an email recipient, wherein a termination of a connection between an email server and a wireless communication device, in the form of a disconnection and reconnection to the aforementioned email server, is performed in order to record the audio file on an interactive voice response server and subsequently sending the audio file to the email recipient. The aforementioned features in the particular manner and combination recited in the claims are considered patentably distinct over the cited prior art. Therefore, the claim is allowed.

Claim 27 is directed to a method for sending an audio file to an email recipient. Applicable prior art or record discloses a user device establishing concurrent voice channel and wireless data channels to a respective data server and voice server (i.e. IVR server), (i.e. Jiang). However, the prior art of record fails to disclose a method for sending an audio file to an email recipient, wherein a termination of a connection between an email server and a wireless communication device, in the form of a disconnection and reconnection to the aforementioned email server, is performed in order to record the audio file on a voice response server and subsequently sending the audio file to the email recipient. The aforementioned features in the particular manner and combination recited in the claims are considered patentably distinct over the cited prior art. Therefore, the claim is allowed.

Claim 34 is directed to a system for sending an audio file to an email recipient. Applicable prior art or record discloses a user device establishing concurrent voice channel and wireless data channels to a respective data server and voice server (i.e. IVR server), (i.e. Jiang). However, the prior art of record fails to disclose systems for sending an audio file to an email recipient, wherein a termination of a connection between an email server and a wireless communication device, in the form of a disconnection and reconnection to the aforementioned email server, is performed in order to record the audio file on an interactive voice response server and subsequently sending the audio file to the email recipient. The aforementioned features in the particular manner and combination recited in the claims are considered patentably distinct over the cited prior art. Therefore, the claim is allowed.

The remaining claims 2-4, 6, 8-10, 12-18, 27-35 and 33 depend from claims 1, 27 and 34 and incorporate the novel and non-obvious features described above. Accordingly, these claims are also allowable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references: Brun et al. (US Patent Application Publication 2005/0059382); Thorton (US Patent 6,751,454); Wu et al. (US Patent 6,813,489); and Okada et al. (US Patent 6,463,134).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHANYA R. NASH whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShanya R Nash/
Examiner, Art Unit 2492
October 22, 2010

/JOSEPH THOMAS/
Supervisory Patent Examiner, Art Unit 2492